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COMPATIBILITY DETERMINATION

Use: Permit Archeological Investigations

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions..." and "...for any other management purpose, for migratory birds".

FmHA fee title transfer properties - "for conservation purposes..."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Permitted archeological investigations on the Minnesota Wetland Management Districts, Minnesota, are those requested by archeologists who are not performing the investigation for District management purposes (e.g., not for Section 106 of the National Historic Preservation Act). Rather, permitted archeologists are pursuing their own or institutional research or are working for other parties that will be conducting activities on FWS land, or as requested by the Governor of Minnesota, and similar third party activities on lands of the National Wildlife Refuge System. Permitted investigations can occur at any time of the year although usually not during the winter. Investigations may be as short as a few hours or go on for months, depending on the research objective. These permitted investigations occur on the District because the District is where the resource is found or where the resource could be disrupted.

Archeologists request Archaeological Resources Protection Act (ARPA) permits or Antiquities Act permits to conduct "Surveys and limited testing and limited collections on lands identified" and "Excavation, collection and intensive study of specific

sites described” on District land. Permits are issued by the Regional Director to qualified archeologists.

Permits can be for anyplace on FWS owned and managed lands, but each permit is for specific lands; i.e., no general archeological permits are authorized.

The District Manager issues a special use permit to archeologists prior to investigation on lands managed by the District, to define allowable dates and times for the investigation, and other management controls.

Availability of Resources:

The District has resources available to administer this use. This activity will require the District Manager to develop and issue a Special Use Permit and random inspections of the project area. ARPA/Antiquities permits are received by the Regional Historic Preservation Officer and issued by the Regional Director as part of normal duties.

Anticipated Impacts of the Use:

Impacts from routine pedestrian surveys, soil coring, shovel tests, and land form analysis are limited to short-term disturbance to wildlife using the immediate area and disruption of vegetative cover for the growing season on an extremely small area affected by shovel tests.

Impacts from a large scale excavation are potentially longer term (several growing seasons) with associated wildlife disturbance impacts affecting animals in the immediate area and vegetation cover disruption severe enough to require site regrading and reseedling of the area to desired native species.

Public Review and Comment:

During the Scoping phase of the preparation of the Comprehensive Conservation Plan (CCP), six open houses were held to solicit public input and comment on all aspects of district management. Draft copies of the CCP will be distributed during a 30-day comment period and an additional six public meetings will be held to garner public comments, written and verbal, on the draft plan including all Compatibility Determinations.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

Applicant must obtain a Special Use Permit issued by the District Manager. The Special Use Permit is to prescribe administrative or management restrictions required by the District Manager.

Permittee will shore up walls of test pits and trenches in accordance with OSHA standards; will flag, barricade, and sign testing areas as necessary to prevent injury to

the public; will refill shovel tests as soon as excavated and data recorded including replacing the vegetative plug to restore original conditions; will backfill excavations as soon as data recording is completed and seed the surface with a grass or other vegetative mix approved by the District Manager.

Predetermined stipulations on ARPA/Antiquities permits and the requirements in 43 CFR Part 7, "Protection of Archaeological Resources: Uniform Regulations," contain protective measures to be accomplished by archeologists.

Justification:

Although temporary disruption of habitat and wildlife routine could occur, this disruption is limited in scope and duration. Due to stipulations and the issuance of a permit, managers will have control on when the activity will occur so sensitive habitat, or sensitive nesting times, can be avoided as needed. With stipulations in place, the use would not materially interfere with or detract from the purpose of WPAs. No long-term harm should come to the natural resources managed by the District. In addition, the archeological investigations would be conducted in the public interest for which Federal agencies protect archeological sites; and the results may be included in public interpretive exhibits and other public dissemination. The results of the study could increase District understanding of prior human activities on the District and could be part of District interpretive program.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Collection of Edible Wild Plant Foods for Personal Use

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions..." and "...for any other management purpose, for migratory birds".

FmHA fee title transfer properties - "for conservation purposes..."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow public to collect plant food products on WPAs for personal use.

Some plants growing on WPAs produce edible products such as fruits and nuts. Apples, raspberries and walnuts are examples these products. These plants grow in the uplands, occupy a small percentage of the total upland acreage, and are often found at abandoned building sites which have been reclaimed by the U.S. Fish and Wildlife Service. Harvest occurs during the daylight hours, usually in the late summer or fall and typically is of short duration. These foods are hand harvested by picking the products from the plant or gathering what has fallen to the ground.

Mushrooms, asparagus and wild mint are examples of plants that are collected and consumed or used as tea. These are cut by hand during harvest.

Wild rice grows in permanent wetlands. With a license from the State of Minnesota, it can be hand harvested from July 15 through September 30 using non-motorized watercraft. Harvest time is restricted to 9:00 a.m. to 3:00 p.m.

Access to harvest sites is accomplished by walking from a designated parking area or public roadway. Canoes used to harvest wild rice are launched at boat ramps or carried to the wetland from parking areas or public roadways.

Collection of these foods is not a wildlife-dependent recreational use and occurs infrequently. For a small number of people, this is a traditional, family oriented activity which provides an opportunity for those participating to collect wholesome, healthy foods while enjoying the beauty of the natural environment.

Availability of Resources:

Waterfowl Production Areas have been open to hunting since they were acquired. As a result, access trails, parking lots, signage and other facilities as well as staff to enforce regulations and maintain these facilities have been provided by the Service. These facilities will be maintained to meet the needs of the hunting public and will be used incidentally by those who are collecting edible wild plant foods. This use will not require a significant increase in additional maintenance or enforcement staff expenditures. The Service will not have to provide special equipment.

Anticipated Impacts of the Use:

Historically, public participation in the collection of plant food products on WPAs was low, and future participation is also expected to be low. The quantity and frequency of plant food products removed is not expected to significantly diminish wildlife food sources or jeopardize wildlife survival.

Short-term disturbance to wildlife may occur during these activities, but will be insignificant. Most of these activities occur in the late summer or fall, after ground-nesting birds have completed the nesting season. This activity should not result in short or long-term impacts that adversely affect the purpose of WPAs or the mission of the National Wildlife System.

Public Review and Comment:

Six open houses were held and written comments were solicited from the public about Wetland Management District operations during the drafting of Comprehensive Conservation Plans. This process identified 22 issues of concern. The collection of plant food products was not identified as an issue of concern.

This Compatibility Determination was prepared concurrently with, and included in the Draft Comprehensive Conservation Plans for Wetland Management Districts in Minnesota. Public review and comment was solicited during the CCP comment period.

Determination (check one below):

_____ Use is Not Compatible

 X Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- The use of motorized vehicles or motorized water craft is prohibited except by permit or in designated parking areas, access trails or public roads.
- Camping, overnight use and fires are prohibited.
- Digging of plants or their roots is prohibited.
- Plant food products cannot be sold.
- Damage to trees is prohibited.
- Wild rice will be harvested according to state regulations

Justification:

This use will have limited and localized impacts when conducted within the stipulations above. Administration of the use will require little to no administrative time or funding. This use will not diminish the primary purposes of waterfowl production, or the conservation of other migratory birds and wildlife.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Cooperative Farming for Cover Enhancement

Refuge Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions..." and "...for any other management purpose, for migratory birds."

FmHA fee title transfer properties - "for conservation purposes..."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Cooperative farming is the term used for cropping activities done by a third party on land that is owned by the Service in fee title or controlled by the Service through a restrictive easement. This type of activity is usually done on a short-term basis (3 years or less) to prepare an optimum seed bed for the establishment of native prairie species.

The cropping is done under the terms and conditions of a Cooperative Farming Agreement or Special Use Permit issued by the Wetland District Manager. The terms of the Agreement or Permit insure that all current Service and District restrictions are followed.

Cooperative farming activities are only compatible on previously disturbed areas that have unacceptable levels of chemical residue, noxious weeds, or non-native plant species or ecotypes or to honor the land use clauses of a purchase agreement. To ensure that all Service policies are met, all such land use clauses must be approved by the Wetland District Manager prior to Service acceptance of the purchase agreement.

Waterfowl Production Areas in Minnesota average less than 200 acres in size and are intermingled with private and other public lands. Although the specific acreage of fields to be cooperatively farmed will vary by unit, they will typically range from 5 to 160 acres.

Availability of Resources:

The needed staff time for development and administration of cooperative farming programs is already committed and available. Most of the needed work to prepare for this use would be done as part of routine grassland management duties. The decision to use a cooperative farmer would occur as part of strategies developed under grassland development and management discussions. The additional time needed to coordinate issuance and oversight of the needed Special Use Permit or Cooperative Farming Agreement is relatively minor and within existing District resources.

The cooperative farming of Service land will in most cases generate income for the Service. In accordance with Service policy, all income is submitted for deposit in the Refuge Revenue Sharing Account and is not available at the district level to offset station costs incurred in administration of this use. However, all Service employees involved in the administration of the program must be sensitive to the primary purpose of cooperative farming: providing an optimum seed bed for native prairie plant species. The Service should receive a fair market value from cooperative farmers, but generation of income is a secondary consideration when developing the terms and conditions of a cooperative farming agreement.

To lessen any appearance of favoritism or impropriety, District Managers should document how cooperators were selected and how rental rates were derived (see Refuge Manual).

Anticipated Impacts of the Use:

Cooperative farming to prepare suitable seed beds for native prairie plantings will result in short-term disturbances and long-term benefits to both resident and migratory wildlife using Waterfowl Production Areas and Service-managed upland easements. Short-term impacts will include disturbance and displacement typical of any noisy heavy equipment operation. Cropping activities in old fields or abandoned croplands will also result in short-term loss of habitat for any animal or insect species using those areas for nesting, feeding, or perching. Long-term benefits are extremely positive due to establishment of diverse nesting cover including native tallgrass species. The resulting habitat will greatly improve conditions for most of the same species affected by the short-term negative impacts. Strict time constraints placed on this use will limit anticipated impacts to these relatively minor areas.

Public Review and Comment:

During the Scoping phase of the preparation of the Comprehensive Conservation Plan (CCP), six open houses were held to solicit public input and comment on all aspects of district management. Draft copies of the CCP will be distributed during a 30-day comment period and an additional six public meetings will be held to garner public comments, written and verbal, on the draft plan including all Compatibility Determinations.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Cooperative farming agreements will be limited to 3 years or less and comply with all appropriate Service regulations on chemical application and use.

Justification:

The cooperative farming of previously disturbed areas that are owned or under easement by the Service and have unacceptable levels of chemical residue, noxious weeds, or non-native plant species or ecotypes or are being farmed to honor the land use clauses of a purchase agreement to prepare an optimum seed bed for the establishment of native prairie species, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of Waterfowl Production Areas or FmHA transfer lands for the following reasons:

- 1) Only areas that have already been significantly manipulated or altered by cropping activities will be affected. These areas contain few if any native plants and offer extremely limited value to the ecological integrity of the unit or landscape.
- 2) Cooperative farming activities in most cases, provide the fastest, most cost effective way to establish native prairie species on areas that have unacceptable levels of chemical residue, noxious weeds, or non-native plant species or ecotypes. District staff could complete all work, but for most districts that would require additional equipment and/or staff to efficiently break up non-native brome sod, or to cultivate and control weeds on small, widely scattered tracts of land. Hiring contractors to do this work at rates that can approach \$100/acre is a possibility, but would require additional funds in years when the farming acres were high. By using local farmers to conduct these farming activities, district budgets and staff time can be better allocated to completing the needed restoration (seeding of native grasses and forbs) on lands that have completed the farming cycle and are in good condition for seeding.
- 3) Short-term impacts of farming small tracts of land are minor. No wildlife or habitat losses occur when land purchased in row crop is farmed for an additional period of 2-3 years. Low quality grasslands that are farmed as a first step to conversion to higher-value native grasslands will result in habitat loss for trust resources during the farming period. The long-term benefits to the ecological integrity of the district and landscape by restoring these degraded or row cropped areas to native prairie plant species are significant and exceed the short-term losses incurred through the cropping process.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Disability Access to Waterfowl Production Areas

Refuge Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions..." and "...for any other management purpose, for migratory birds."

FmHA fee title transfer properties - "for conservation purposes..."

National Wildlife Refuge System Mission:

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Description of Use:

Disability access is the term used to describe the process of granting exemptions to current Refuge Regulations that assist persons with disabilities in engaging in compatible activities on Waterfowl Production Areas. The most common type of exemption given will be Special Use Permits of limited duration which allow the use of motorized vehicles on existing roads and trails. All exemptions granted will comply with the general public safety regulations of the Department of Interior and the specific public safety guidance of the Service Compatibility Policy. Based on experience to date, it is expected that most disability access requests will be for hunting, but this policy also applies to the other priority public uses on refuges; wildlife observation, wildlife photography, environmental education, interpretation, and fishing. Waterfowl Production Areas in Minnesota average less than 200 acres in size and are intermingled with private and other public lands. Although the specific locations and sizes of areas affected will vary by Permit disturbances will typically vary from 0.5 to 3.0 acres.

Availability of Resources:

The needed staff time for development and administration of Special Use Permits authorizing motorized vehicle use on existing roads and trails is already committed and available. Most of the work needed to prepare for this use would be done as part of routine Waterfowl Production Area management duties. The decision to allow such use would occur as part of normal facility management and inspection programs. The additional time needed to coordinate issuance and oversight of the needed Special Use Permit is relatively minor and within existing District resources.

Anticipated Impacts of the Use:

A small amount of additional motorized use on established roads and trails will result in short-term disturbances to both resident and migratory wildlife using Waterfowl Production Areas. Short-term impacts will include disturbance and displacement typical of any motorized intrusion into wildlife habitat. Long-term impacts are not anticipated as most of the use will involve travel on roadways already used by Refuge staff to conduct management surveys and activities throughout the year.

Public Review and Comment:

During the Scoping phase of the preparation of the Comprehensive Conservation Plan (CCP), six open houses were held to solicit public input and comment on all aspects of district management. Draft copies of the CCP will be distributed during a 30-day comment period and an additional six public meetings will be held to garner public comments, written and verbal, on the draft plan including all Compatibility Determinations.

Additionally, a news release will be sent to local newspapers each fall prior to hunting seasons describing the disability access policy and soliciting public comments to Refuge offices.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Motorized access will be limited to existing roads and trails in good condition.
2. Access is limited to persons who qualify for disability access as described in the Comprehensive Conservation Plan for the Minnesota Wetland Management Districts.

Justification:

The Americans With Disabilities Act and ensuing Service policy require that all Service programs and facilities meet the needs of the disabled. Offering special access as described in this determination is one way that the Service can meet that obligation to the American public.

Authorizing motorized vehicle use on established roads and trails for persons with disabilities engaged in compatible uses will cause minimal disturbance and provide

appropriate recreational opportunities for people who might otherwise not be able to visit Waterfowl Production Areas.

Issuance of permits for disability access will not be limited to a set number as it is expected that meeting the requested demand will still result in a small amount of permits with only minimal wildlife disturbance as a consequence. At the expected level of use, this use is compatible as it will be below the threshold where unacceptable wildlife disturbance will occur. If demand far exceeds expectations within the time period covered by this determination and the disturbance threshold is exceeded, District staff will reevaluate the program and may limit the number of permits issued.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Interpretation and Environmental Education

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]...except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "...for conservation purposes...."

National Wildlife Refuge System Mission:

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Description of Use:

To allow wildlife interpretation and environmental education programs to be conducted on Waterfowl Production Areas. Formal programs include activities prepared, scheduled, and organized for school-aged children and organized groups by U.S. Fish and Wildlife Service staff. Programs conducted by the Prairie Wetlands Learning Center would be included in this category. In most cases, curriculums and program schedules are prepared in advance. These curriculums address a number of wildlife conservation issues including wetland and grassland conservation, migratory bird management, and the conservation of endangered species. Informal programs include self-guided auto tour routes and nature trails, impromptu presentations and discussions of wildlife conservation issues with interested citizens, casual visitors, and unscheduled groups. The visitation and use of a Waterfowl Production Area by local educators and their classes on their own or the purposes of furthering their understanding of natural resource management issues would also be classified as an informal program.

In addition, this use includes the development of indoor interpretive areas within Wetland Management District offices. There are many purposes for these exhibits, including telling the story of waterfowl conservation and the National Wildlife Refuge System.

Availability of Resources:

Some staff and funding are available for a limited amount of interpretation and environmental education programming on Waterfowl Production Areas. Currently, however, staffing levels and funding are not adequate to fully capitalize on all the opportunities to interpret wildlife conservation issues within these rural communities. The individual station Comprehensive Conservation Plans detail the needed funding and staff to bring these programs up to Service standards.

Anticipated Impacts of the Use:

The overall impacts to Waterfowl Production Areas and their associated wildlife populations from this use will be minimal. There will be some disturbance to waterfowl and other wildlife, but at levels that will not likely interfere with waterfowl production. School buses and personal vehicles will utilize parking areas and access trails already constructed for use by waterfowl hunters and Service employees conducting habitat management activities. The limited number of nature trails that will be developed will minimize disturbance to vegetation and wildlife use of these areas. Any auto tour routes are designed to minimize disturbance to waterfowl during the spring breeding/nest season.

Public Review and Comment:

Six open houses were held in preparation for the Comprehensive Conservation Plans for the Minnesota Wetland Management Districts. Public comments have also been solicited about Service operations including public use programs such as interpretation and environmental education. The Service has also contracted with the University of Minnesota to conduct a visitor use study of Waterfowl Production Areas in western Minnesota. Upon completion, this survey will yield additional public input into the use of Waterfowl Production Areas for interpretation and environmental education.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulation

Stipulation Necessary to Ensure Compatibility:

1. Use of motorized vehicles and water craft is prohibited except by permit or in designated parking areas, access trails, or public roads/tour routes.
2. Managers will monitor use patterns and densities and make adjustments in timing, location and duration as needed to limit disturbance.

Justification:

This use has been determined compatible provided the above stipulation is implemented. This use is being permitted as a priority public use and will not diminish the primary purposes of waterfowl production as well as conservation of migratory birds and other wildlife. This use will meet the mission of the NWRS by furthering understanding and knowledge of this Nation's migratory bird conservation needs by the general public.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2017

COMPATIBILITY DETERMINATION

Use: Recreational Fishing

Refuge Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "....as Waterfowl Production Areas" subject to "....all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow public fishing on Waterfowl Production Areas (WPAs) in accordance with State regulations and seasons. Minnesota recreational fishing regulations allow the traditional taking of game fish species with rod and reel from shore, a boat or through the ice, removal of rough fish by spear, harpoon, archery and dip net as well as the taking of limited quantities of mussels, crayfish, frogs, minnows and turtles for personal use. All WPAs will be open to public fishing, provided that all forms of fishing or entry on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting land, water, vegetation, or wildlife populations. As of March 1999 the U.S. Fish and Wildlife Service owns a total of 56,693 acres of wetlands on WPAs in Minnesota. Although the entire wetland acreage is open to fishing approximately one (1) percent provide waters deep enough to support viable fisheries. Acquisition of WPAs is ongoing and as lands are purchased they will be opened to fishing. The game fish season ordinarily runs from the second Sunday in May through the third Sunday in February while other season for taking of aquatic species run from April or May through November to February. Generally WPAs have access trails from public roads and for safety reasons parking

lots of less than 1 acre are provided where sufficient traffic exists. This use is being proposed as (1) "The Procedural Agreement between the Minnesota Department of Natural Resources and Service for the Coordination of the Small Wetlands Acquisition Program in Minnesota" states "it is the policy of the Regional Director to cooperate with the Department in providing habitat for resident wildlife and for public access and use, including hunting." and (2) Fishing is a priority public use on National Wildlife Refuge System Lands. WPAs average approximately 210 acres in size and are intermingled across the landscape with other public and private lands. The few WPAs with viable fisheries are generally connected to adjacent streams or lakes that are located off Service lands and aquatic species move between these bodies of water. The State of Minnesota manages these species over the larger bodies of water maintaining healthy populations by allowing harvest of surpluses through recreational fishing.

Availability of Resources:

WPAs by statute and regulation are open to waterfowl hunting and as a result access trails, parking lots, signage and other facilities as well as staff to enforce regulations and maintain these facilities have been provided by the Service. With the exception of additional enforcement staff time these facilities will be used by the public while engaged in recreational fishing. Given the anticipated light fishing pressure, staff are deemed adequate to administer and enforce laws related to fishing.

Anticipated Impacts of the Use:

Fishing activities and harvest of other aquatic species may cause temporary disturbance to waterfowl and other wildlife using WPAs. This disturbance may displace individual animals to other parts of the WPA, however, this disturbance will be limited in scope due to: (1) the small number of WPAs with viable fisheries; (2) prohibition on use of motorized boats; (3) access which is predominately via foot travel; (4) lack of boat launching facilities. Installation and use of parking areas and access trails will result in minimal impacts as these parking areas and trails are used by waterfowl hunters as well as by Service employees conducting refuge management activities.

Public Review and Comment:

During drafting of the Comprehensive Conservation Plans six open houses were held and written comments were solicited from the public about Wetland Management District operations including public use programs such as fishing. Comments were received, compiled and addressed as issues in the Plan as well as the Environmental Assessment. No comments regarding fishing on WPAs were received. This determination was also included in the final draft distributed to the public for review and comment. Additionally the Service has contracted with the University of Minnesota to conduct a visitor use study of Waterfowl Production Areas in western Minnesota. This study is in its second year and will yield a wide array of public input on Service programs including fishing.

Determination (check one below):

- ☐ Use is Not Compatible
- ☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Use of motorized vehicles and water craft is prohibited except by permit or in designated parking areas, access trails or public roads.
2. Camping, overnight use and fires are prohibited.
3. Littering or disposal of entrails is prohibited.
4. All applicable State and Federal Regulations will apply.

Justification: Fishing at anticipated levels and on small areas of relatively few WPAs will have localized and short-duration impacts and will not materially interfere with the waterfowl production purpose of WPAs. Stipulations will help reduce or eliminate any unwanted impacts of the use. State regulations and monitoring help ensure that harvest levels of fish do not harm long-term populations.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2017

COMPATIBILITY DETERMINATION

Use: Establishing Food Plots and Placing Feeder Cribs for Resident Wildlife

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authorities:

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow the establishment of food plots and the placement of feeder cribs on Waterfowl Production Areas (WPAs) throughout Minnesota in accordance with the attached stipulations section. Food plots are small fields of agricultural crops with some or all of the crop left standing through the winter. Feeder cribs are either containers or bales containing grain or forage designed for use by resident wildlife during the winter. Certain WPAs have been identified as critical wintering areas for resident wildlife. Allowing the establishment of food plots or placement of feeder cribs provides winter cover and food sources during harsh winter conditions. Particularly during severe winters, food plots and feeder cribs are widely recognized as important to maintain populations of resident wildlife, especially pheasants, deer, and prairie grouse. The food plots and feeder cribs are maintained by private individuals (under cooperative farming agreements), sporting clubs, or other agencies such as the Minnesota Department of Natural Resources (DNR). Typically, these food plots or feeder cribs are used each year on the same WPA. Food plots are sometimes rotated onto different sites within the same WPA to reduce the build-up of insect or plant pests within the food plot or to manage a stand of non-native vegetation through the

use of periodic re-seeding following use as a food plot. The use of food plots and feeder cribs also cultivates a strong sense of cooperation between the U.S. Fish and Wildlife Service and its partners.

Feeder cribs and food plots are not a priority public use as identified in the Refuge Improvement Act. Feeder cribs and food plots are a non-essential but helpful tool to facilitate two priority uses (hunting and wildlife observation) since they help maintain high populations of species widely viewed as desirable to view and hunt.

Availability of Resources:

Establishment of food plots and placement of feeder cribs maintained by private organization or other agencies requires limited Service resources. Food plots are managed under cooperative farming agreement with private individuals or by local sporting clubs. Likewise, feeder cribs are placed and maintained by volunteers or the DNR requiring little to no Service involvement. There is a modest administrative cost associated with developing cooperative farming agreements with private coordinators. These costs typically involve a few hours of staff time for each food plot agreement with most agreements lasting 2 or 3 years. Feeder crib placement requires less administrative oversight.

Anticipated Impacts of the Use:

Feeder crib placement will result in minimal impacts as they are generally placed during the winter months and are very small in size. (Typically, a pallet-sized feeding platform or hay bale rests on the ground.) There will be some temporary disturbance to resident wildlife when feeder cribs are placed on the unit or when additional food is added once or twice per winter. There is an aesthetic cost associated with allowing placement of an artificial structure in a natural setting. Waterfowl impacts are small since the cribs are usually installed after fall migration is complete. Cribs are normally removed before spring nesting begins. If they are left in place during the nesting season, there is a small plot of ground under the crib unavailable for nesting or other migratory bird use. There is likely an inconsequential benefit to a few migratory bird species that use the feeder cribs during winter months. There is some opportunity for enhanced wildlife observation since resident wildlife, particularly pheasants, tend to frequent the area around the feeder cribs and are visible from adjacent roads.

Food plots have more significant impacts in that most plots are approximately 10 acres in size, effectively eliminating that land from use by nesting waterfowl or other migratory birds. Grassland bird research suggests that agricultural crops do not create the same harmful barrier to grassland bird use as tree plantings. (Some grassland birds avoid not only the trees but also a zone around the trees or are prevented from making normal daily movements from one side of a tree line to another.) Many grassland bird species, possibly including waterfowl, have better nest success when nesting in large contiguous blocks of grassland. Careful siting of food plots can avoid breaking up a large grassland block into smaller fragments. Some migratory birds actually benefit from the effect of adding more vegetative edges and encouraging some annual weed growth in and around a grassland block. However, these tend to be species whose populations are less imperiled than those requiring large grassland blocks. Waterfowl impacts due to food plots can be reduced but not eliminated by siting the food plots strategically and confining their use to critical areas. Stipulations identified later in this document will prevent critical resources such as native prairie remnants or large, contiguous blocks of grassland habitat from being degraded or destroyed by food plots.

Agricultural chemical impacts due to food plots will be reduced with restrictions on allowable herbicides used. No insecticide use will be allowed on food plots. Runoff and erosion are minimized with proper food plot siting.

Food plots tend to be popular areas for hunting and the increased levels of hunting around food plots will cause increased levels of disturbance due to hunter activity. These periodic disturbances should be mainly limited to autumn and early winter hunting seasons. The impact to waterfowl should be small.

The planting, tending, and partial harvest of food plots creates brief episodes of intrusion with agricultural tractors and implements but the impact to wildlife and public use should be minor.

Public Review and Comment:

During drafting of the Comprehensive Conservation Plans six open houses were held and written comments were solicited from the public about Wetland Management District operations including management techniques such as food plots and feeder cribs. Additionally the Service has contracted with the University of Minnesota to conduct a Visitor use study of WPA's in western Minnesota. This study is in its second year and will yield a wide array of public input on Service programs including land management issues.

This determination is being made as part of a Comprehensive Conservation Plan. Additional opportunity for public review will occur during review of the Comprehensive Conservation Plan.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Areas for food plots must be identified as critical wintering sites for resident wildlife.
2. Food plots and feeder cribs will not have negative impacts on critical habitats such as wetlands and native prairie remnants.
3. Food plots will be sited to minimize grassland fragmentation.
4. Allowable species for planting in food plots will include: corn, soybeans, sunflowers, wheat, barley, oats, rye, buckwheat, millet, and sorghum.
5. Food plots will be no greater than ten (10) acres and will occupy no more than 5 percent of the total acreage of the WPA on which the plot will be located.
6. No more than 20 percent of the WPAs in any Wetland Management District will contain a food plot.
7. No WPA will contain more than one food plot in any year.

Justification:

Restricted use of food plots and feeder cribs will not materially interfere with or detract from the purposes for which the units were established. The use of feeder cribs creates negligible interference. Food plots create more significant interference with unit purposes and are thus more stringently controlled to ensure that they remain compatible. Allowing the use of food plots leads to higher and more stable resident wildlife populations by reducing catastrophic population crashes during severe winters. These higher populations facilitate two priority public uses, hunting and wildlife observation. The impacts to waterfowl and other migratory birds are modest based on limiting the size and location of food plots, and the stipulations in place.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Controlled grazing on waterfowl production areas and conservation easements

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authorities:

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow the limited grazing by domestic livestock, chiefly cattle but potentially including other domestic livestock, on waterfowl production areas and easements to improve grassland vigor and health. Controlled grazing is recognized as a valuable tool to remove standing vegetation, reduce vegetative litter, and suppress woody vegetation.

Grazing may take place anytime from April through November. Most commonly, we will use short duration grazing pulses lasting 4 to 8 weeks and then require livestock removal. We will use three typical seasons of use. One season will be early spring (mid April to late May) on native prairie or seeded native grasses designed to reduce the vigor of exotic species and increase the vigor of native species. Summer grazing (July 15 - September 1) may be used, especially on non-native grasslands, to stimulate the grassland after the peak nesting season yet allow vegetative regrowth in the fall. Fall grazing (September 1 - October 31) will be designed to have effects similar to spring grazing, mostly on native prairie remnants or fields seeded with native tallgrass prairie species.

Fencing and control of livestock will be the responsibility of the cooperating private party. Market rate grazing fees will be required of permittees. Market grazing fees will include typical market deductions for unusual fencing requirements, required cattle movement, or other factors limiting economic return for the permittees. In 2001, we anticipate these market rates to be \$2.75 per animal unit month (AUM). One AUM is the amount of forage consumed by a cow/calf pair in a 30-day grazing period. Thus, the grazing fee for each cow/calf pair will be \$2.75 for each 30 days of grazing. Market rates will be determined annually in consultation with USDA on prevailing local grazing rates.

Frequency of grazing on any unit will be based on site-specific evaluation of the grassland unit being managed. Historically, we have frequently grazed units for two consecutive years and then eliminated grazing from the unit for several years before resuming grazing.

Grazing is not a priority public use as identified in the Refuge Improvement Act. As an economic use of Refuge System lands, a compatibility determination for grazing is mandatory.

Availability of Resources:

Developing grazing agreements and monitoring compliance and biological effects requires some Service resources. Most grazing costs (fencing, monitoring herd health, and so on) are assumed by the permittee. Some alternative grassland management is required if we do not use grazing as a tool for grassland management. Typically, these other tools are prescribed burning, mowing, and haying. Haying has comparable costs to controlled grazing since it also requires administering special use permits. Mowing is more expensive since all costs are assumed by the agency. Prescribed burning is an effective grassland management tool but staff limitations prevent us from burning as many acres as desirable each year. Plus, there is likely an ecological benefit to rotating grassland management techniques and seasons over time so that a given field may be grazed one year and burned another.

Anticipated Impacts of the Use:

Grazing by domestic livestock has severe short-term effects on grassland communities. Many of these effects are desirable and are designed to maintain and improve healthy grassland communities. Some of these effects include removing standing vegetation, trampling of other vegetation, and reducing populations of pioneering woody plants. Other effects of grazing are more harmful but generally short-lived. Grazing in the spring can cause direct loss of grassland bird nests due to trampling and loss of standing vegetation. Grazing at any time of year creates an aesthetic issue of concern for some people who enjoy using WPAs; seeing public land being grazed by domestic livestock reduces the appeal of the visit for many people. Fortunately, our controlled grazing is typically of short duration and does not occur annually on any unit. Grazing livestock can create minor direct disturbance of wildlife but any harm should be negligible. There is a slight potential for conflict between members of the public and livestock or the permittee, particularly in the autumn when most WPAs receive their heaviest use. All permittees will be advised that the unit is open to the public for hunting and other recreation. There is a very slight risk of injury to the public caused by livestock. Most visitors who are uncomfortable using property containing livestock are likely to select another unit or another time of year for their visit.

Public Review and Comment:

During drafting of the Comprehensive Conservation Plans six open houses were held and written comments were solicited from the public about Wetland Management District operations including management techniques such as grazing. Additionally the Service has contracted with the University of Minnesota to conduct a visitor use study of WPAs in western Minnesota. This study is in its second year and will yield a wide array of public input on Service programs including land management issues.

A draft version of this compatibility determination will be posted at the headquarters of the Morris Wetland Management District for public review and comment.

Determination:

_____ Use is Not Compatible

_____ X Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Grazing will not occur more frequently than 3 out of every 5 years on any tract without the preparation of a site-specific compatibility determination.
2. All fencing costs will be borne by the permittee.
3. No insecticides, including insecticidal dusting bags, will be used on WPAs or easements.
4. No supplemental feeding will be allowed without specific authorization of the Wetland District Manager.
5. Control and confinement of the livestock will be the responsibility of the permittee.

Justification:

Controlled grazing by domestic livestock will not materially interfere with or detract from the purposes for which the units were established. Limited livestock grazing creates temporary disturbances to vegetation. Many of these disturbances are desirable for grassland management. Grazing produces an undesirable but short-term impact to grassland bird nesting and site aesthetics. Controlled grazing is an alternative management tool that can be used to replace or complement prescribed burning, mowing, or haying on grasslands. Without occasional disturbance caused by mowing, haying, burning, or grazing, the health of the grassland community would decline, as would an areas potential for waterfowl production.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Haying

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended).

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]...except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Haying is the cutting and removal, by baling and transport to an off-refuge location, of grass, either nonnative cool season species such as brome or native warm or cool season species. Haying of this type is typically done by a cooperative farmer acting under authority of a Cooperative Farming Agreement or Special Use Permit issued by the Wetland District Manager.

Haying can be an effective management tool as part of an overall grassland management plan to improve and maintain district grasslands for the benefit of migratory birds. Grasslands need periodic renovation to maintain vigor, diversity, and the structure necessary for migratory bird use. Haying is an effective alternative to burning or grazing, which are two other means used by district staff to maintain grassland vigor. If local site conditions preclude use of prescribed fire due to hazards to neighboring property or a similar problem, removal of accumulated biomass through haying does serve to reduce unwanted overstory, reduce woody plant invasion, etc. Such removal will allow for more vigorous regrowth of desirable species following the haying, although results are neither as dramatic nor positive as with prescribed fire.

Haying may also be used as part of a native grass seeding strategy on newly acquired lands needing restoration. To reduce weed competition and minimize herbicide applications, a cooperative farmer may be used to seed the native grass mix and interseed it with oats. As a requirement of the permit, the cooperator would be required to cut, bale, and remove the oats before maturation. Such silage is useful for dairy operations and serves the biological purpose of releasing the young native grasses for vigorous midsummer growth with minimal competition.

A third possible use of haying on district grasslands involves the initial steps of removing unwanted vegetation prior to seeding the area to native grasses. Haying of a nonnative cool season field is an effective step in advance of spraying the field with Round Up or a similar chemical designed to kill all existing vegetation. Removal of the heavy grass overstory by haying allows the chemical spray to more effectively treat the target plants. Better removal of the unwanted grasses will in turn ensure better success of the planted native grasses whether they are interseeded into the sod or the soil turned over and leveled prior to seeding.

A more limited application for haying on Waterfowl Production Areas involves its use for establishing fire breaks for the prescribed fire program. A cooperative farmer would hay the grassland strips in early fall. That area would then green up earlier in the spring and would have no dead overstory biomass, allowing its use as a fire break.

Waterfowl Production Areas in Minnesota average less than 200 acres in size and are intermingled with private and other public lands. Although specific acreages for fields to be hayed will vary by unit, they will typically range from 5 to 40 acres with only rare exceptions exceeding 75 acres. Newly seeded areas with oats as a nurse crop may be larger as new units are frequently seeded in entirety. In that case, haying could possibly cover the entire unit and cover several hundred acres. Hay acreages for fire breaks would be very small, estimated at less than 5 acres per WPA per event.

Availability of Resources:

No additional fiscal resources are needed to conduct this use. The needed staff time is already committed and available. Most of the work needed to prepare for this use would be done as part of routine grassland management duties. The decision to use a cooperative farmer for haying would only follow as part of strategies developed under grassland management discussions. The additional time needed to coordinate issuance and oversight of the needed Special Use Permit or Cooperative Farming Agreement for haying is relatively minor and within existing district resources.

Anticipated Impacts of the Use:

Haying will result in short-term disturbances and long-term benefits to both resident and migratory wildlife using Waterfowl Production Areas. Short-term impacts will include disturbance and displacement typical of any noisy heavy equipment operation. Cutting and removal of standing grasses will also result in short-term loss of habitat for those species requiring tall grasses for feeding and perching such as obligatory grassland species such as the bobolink or dickcissel. Long-term benefits will accrue due to the increased vigor of the regrown grasses or the establishment of highly desirable native tallgrass species, which will improve conditions for those same species affected by the short-term negative impacts. Longer-term negative impacts may occur to resident wildlife species such as pheasant that would lose overwintering habitat in the hay areas. Strict time constraints placed on this use will limit anticipated impacts to these relatively minor areas.

Public Review and Comment:

During the Scoping phase of the preparation of the Comprehensive Conservation Plan (CCP), six open houses were held to solicit public input and comment on all aspects of district management. Draft copies of the CCP will be distributed during a 30-day comment period and an additional six public meetings will be held to garner public comments, written and verbal, on the draft plan including all compatibility determinations.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Haying will only be allowed after July 15 to minimize disturbance to nesting migratory birds. In normal years, most birds are off the nest by this date.
2. Bales must be removed from the WPA within 2 days of baling.
3. Windrowed grass left lying to dry prior to baling must be raked and moved every 2 days if left on newly seeded native grass and in no cases should remain on the ground more than 6 days prior to baling.

Justification:

Haying will not materially interfere with waterfowl production if done within the necessary stipulations. Use of haying as a management tool can be a valuable technique for providing long-term habitat improvements to grassland that otherwise would degrade through natural succession or dominance of non-native plants. Without this tool, the areas would suffer encroachment of undesirable woody species such as box elder or ash or would remain in unwanted non-native cool season grasses such as brome. Use of the areas by trust species such as waterfowl or grassland obligate species such as bobolink, dickcissel, or grasshopper sparrow would slowly decline in the absence of haying or other similar management.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Hunting of Resident Game and Furbearers

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow public hunting of resident game and furbearers on Waterfowl Production Areas in accordance with State regulations and seasons. All Waterfowl Production Areas will be open to public hunting, provided that all forms of hunting or entry on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting land, water, vegetation, or wildlife populations. Hunting is a priority public use on National Wildlife Refuge System Lands and as of March 1999 the U.S. Fish and Wildlife Service owns a total of 171,863 acres of Waterfowl Production Areas in Minnesota. Acquisition of Waterfowl Production Areas is ongoing and as lands are purchased they will be opened to hunting of resident game and furbearers. Although open to all state seasons the majority of use occurs from mid September through the end of December. Many Waterfowl Production Areas have trails necessary to gain access from public roads and for safety reasons, in high traffic areas, parking lots of less than 1 acre are provided. This use is being proposed as: (1) "The Procedural Agreement between the Minnesota Department of Natural Resources and Service for the Coordination of the Small Wetlands Acquisition Program in Minnesota" states "it is the policy of the Regional Director to

cooperate with the Department in providing habitat for resident wildlife and for public access and use, including hunting.”; (2) hunting is a priority public use on National Wildlife Refuge system Lands. Waterfowl Production Areas average less than 200 acres in size and are intermingled with private and other public lands. The State of Minnesota manages resident game and furbearers over these broad landscapes and maintains healthy populations by allowing harvest of surpluses through recreational hunting.

Availability of Resources:

Waterfowl Production Areas are by statute and regulation open to waterfowl hunting. These lands have been open to hunting since they were acquired and as a result access trails, parking lots, signage and other facilities, as well as staff to enforce regulations and maintain these facilities, have been provided by the Service. With the exception of additional enforcement staff time, these facilities will be used by those who hunt resident game and furbearers as well as waterfowl.

Anticipated Impacts of the Use:

Installation and use of parking areas and access trails will result in minimal impacts as these parking areas and trails are used by waterfowl hunters as well as by Service employees conducting refuge management activities. Although hunting causes mortality and temporary disturbance to waterfowl and other wildlife, harvesting populations to the carrying capacity of existing habitat insures long-term health and survival of the species. Hunting occurs well after the breeding season for waterfowl so no disturbance to this central purpose is anticipated.

Public Review and Comment:

During drafting of the Comprehensive Conservation Plans six open houses were held and written comments were solicited from the public about Wetland Management District operations, including public use programs such as hunting. This determination was also included in the final draft distributed to the public for review and comment. Additionally the Service has contracted with the University of Minnesota to conduct a visitor use study of Waterfowl Production Areas in western Minnesota. This study is in its second year and will yield a wide array of public input on Service programs including hunting of resident game and furbearers.

Determination (check one below):

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Nontoxic shot must be used in accordance with current regulations.
2. Use of motorized vehicles and water craft is prohibited except by permit or in designated parking areas, access trails or public roads.
3. Camping, overnight use and fires are prohibited.
4. All applicable State and Federal Regulations will apply.

Justification:

This use has been determined compatible provided the above stipulations are implemented. This use is being permitted as it is a priority public use and will not diminish the primary purposes of waterfowl production as well as conservation of migratory birds and other wildlife. This use will meet the mission of the NWRS by providing renewable resources for the benefit of the American public while conserving fish, wildlife and plant resources on these lands.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2017

COMPATIBILITY DETERMINATION

Use: Irrigation travelways on Waterfowl Management Wetland Easements and/or FmHA type “C” Wetland Easements

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of “Waterfowl Production Areas”; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - “....as Waterfowl Production Areas” subject to “....all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions....” and “...for any other management purpose, for migratory birds”

FmHA fee title transfer properties - “for conservation purposes....”

National Wildlife Refuge System Mission:

“...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

Description of Use:

Allow irrigation travelways through wetland areas protected by an easement that prohibits burning, draining, filling, or leveling. This use of travelways in wetland areas may be permitted via four techniques: (1) Placement of 4-foot to 5-foot wide wooden beams laced together with cable in “railroad bed” style; (2) placement of 4-foot to 5-foot wide metal mats made of corrugated, expanded or punched metal; (3) removal of the muck layer not to exceed 10 foot in width in the bottom of the wetland and replacing it with sand or gravel to the natural bottom contour; (4) exposure of hard substrate by removal of the muck layer not to exceed 10 foot in width in the bottom of the wetland (only permitted in high water table wetlands). More specific details for allowing this use are found in the Service’s Administrative and Enforcement Procedures for Waterfowl Management Easement Manual.

Availability of Resources:

Wetland easements are currently monitored by Service employees via aerial and ground inspection to ensure that landowners comply with the provisions of the easement document. Little additional cost will be incurred to monitor this use while inspecting other easements. Additional staff, equipment, and supplies are needed to map and better monitor all easements. The individual station Comprehensive Conservation Plans detail the needed funds and staffing levels to properly monitor these easements.

Anticipated Impacts of the Use:

The construction phase of the project will cause temporary disturbance to wildlife using the wetland easement areas. Installation of properly constructed travelways will result in no long-term impacts to the wetlands or wildlife using them. Disturbance by the irrigation equipment itself is expected to be minimal due to the slow rate of movement and acclimatization by wildlife.

Public Review and Comment:

During drafting of the Comprehensive Conservation Plans six open houses were held and written comments were solicited from the public related to Wetland Management District operations including easement acquisition and management operations. This determination was also included in the final draft distributed to the public for review and comment.

Determination (check one below):

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. The landowner must demonstrate that equipment and/or topography modifications cannot be accomplished to avoid wetlands, and equipment is incapable of traversing wetlands in their natural condition.
2. No pesticides, fertilizers or other compounds except water may be passed through the irrigation system while traversing the wetland area.
3. Permits to allow the use must be issued by the Regional Director, will not exceed 10 years in duration and will not be issued where groundwater withdrawal negatively impacts the water levels of surface wetlands.
4. Permits will limit construction of travelways to times of low waterfowl/wildlife use and require Service presence during installation or subsequent maintenance activities.
5. Only travelways approved in the Service's Administrative and Enforcement Procedures for Waterfowl Management Easements Manual may be installed.

Justification:

With the above stipulations, impacts of this use will be temporary during the construction phase and little to none during operation. This use will not diminish the long-

term productivity of easement wetlands for waterfowl production or other wildlife. Thus, the use will not materially interfere with the waterfowl production or conservation purpose of the units.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15 year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Installation of Bluebird Boxes, other Nest Boxes, or Nesting Structures by Public or Groups

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authorities:

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended).

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow the installation of nest structures such as bluebird nest boxes and wood duck boxes by individuals or groups on Waterfowl Production Areas throughout Minnesota. Site-by-site authorization will be made by the Refuge Manager via a letter of authorization. Requests for installing nesting structures are occasionally made by individuals and sporting groups. The majority of requests are for bluebird and wood duck boxes to be placed along roads near the edges of WPA boundaries. Some requests could be for artificial mallard nesting sites or other artificial nest sites for migratory birds. The structures are usually placed in late winter or early spring. Structures are affixed using either floating rafts (less common) or poles or posts. Structures are occasionally mounted to existing trees although this is less desirable due to increased nest predation.

In all cases, the intention of the requestors is to enhance wildlife populations through providing safe nesting sites.

Placing artificial nesting structures on WPAs is not a priority public use as defined in the Refuge Improvement Act. The use is a non-essential contributor to other priority uses such as wildlife observation, wildlife photography, and environmental education.

Availability of Resources:

Installation of artificial nest structures on Waterfowl Production Areas by private individuals or groups requires minimal resources. Monitoring and maintenance of structures is required by the private individual or group as well as all associated costs of the installation. Should cooperators fail to adequately maintain the structures, there will be some cost associated with removing abandoned structures.

Anticipated Impacts on Refuge Purpose(s):

The installation of artificial nesting structures has a minimal impact on the purposes for which Waterfowl Production Areas were established. Waterfowl nesting structures will increase the production of waterfowl by providing sites for nests where predators are less likely to destroy the nests. Waterfowl nests in nesting structures are far likelier to be successful than nests in uplands. Other structures such as bluebird houses will provide nesting sites for other migratory birds. Artificial nesting boxes are widely credited with helping increase the population of eastern bluebirds in North America.

There is some small, temporary wildlife disturbance caused during placement and maintenance of the structures. This disturbance is minor.

There are some aesthetic costs associated with placing artificial structures in natural settings. These costs are minimized by requiring placement of non-waterfowl structures along the edges of WPAs in areas already appearing unnatural due to fences, signs, and adjacent crop fields. Wood duck boxes and other waterfowl nesting devices are typically placed in or near wetlands, although private parties typically prefer to place the structures adjacent to roads. No access by motorized vehicles or other special access will be provided for installing nest structures.

Public Review and Comment:

During drafting of the Comprehensive Conservation Plans six open houses were held and written comments were solicited from the public about Wetland Management District operations including public use programs such as the installation of artificial nesting structures. Additionally the Service has contracted with the University of Minnesota to conduct a visitor use study of WPAs in western Minnesota. This study is in its second year and will yield a wide array of public input on Service programs including wildlife nesting structures.

This determination is being made as part of a Comprehensive Conservation Plan. Additional review will occur as part of the public review of the Comprehensive Conservation Plan.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Approval from Project Leader via a letter of authorization is required prior to installation.
2. Annual maintenance is required.
3. Structures may be removed upon Project Leaders' request. Some possible reasons include: lack of maintenance, poor placement, and variation from approved installation plan.
4. Ownership of any nest structure placed on any Waterfowl Production Areas by private individuals or groups will be forfeited to the Service upon installation.

Justification:

Artificial nesting structures do not materially interfere with or detract from the purposes for which the units were acquired. In fact, these structures likely contribute to the purposes of Waterfowl Production Areas by providing secure nesting sites for waterfowl and other migratory birds. Nest success for ducks using artificial nest structures is higher than for ducks nesting in grasslands. Nesting boxes for cavity nesting birds like bluebirds and wood ducks can increase populations when natural cavities are scarce. At worst, nesting structures are neutral in their effect; likely there is a positive effect. The aesthetic costs of artificial nest structures are modest and can be minimized through appropriate siting.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Wildlife Observation and Photography (Including the means of access such as hiking, snowshoeing, cross-country skiing, and canoeing)

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authorities:

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "....as Waterfowl Production Areas" subject to "....all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow general public access during anytime of the year to Waterfowl Production Areas (WPAs) for the observation and photographing of associated flora and fauna. All WPAs will be open to the public for the observation and photography of wildlife and their habitats unless specifically closed by the manager. Allowable forms of access to WPAs include hiking, snowshoeing, cross-country skiing, canoes, and non-motorized boats. Limited access by bicycle, horses, and motorized vehicles will be allowed on designated driving routes only. Motorized boats, including those with electric motors, will not be allowed within WPAs. Wildlife observation and photography are priority public uses on National Wildlife Refuge System Lands as identified in the Refuge Improvement Act of 1997. Entry on all or portions of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions affecting land, water, vegetation, wildlife populations, or public safety.

Access for wildlife observation and photography will allow public access and enjoyment of scenic views and an array of wildlife including waterfowl, other migratory

birds, tallgrass prairie plants, and resident wildlife. WPAs provide opportunities for wildlife enjoyment not usually available on adjacent private land.

Waterfowl Production Areas will be open 24 hours per day although overnight camping will not be allowed.

Availability of Resources:

Wildlife observation and photography require minimal resources. These lands have been open to public use since they were acquired. Thus, access trails, parking lots, signs, and other facilities as well as staff to enforce regulations and maintain these facilities have been provided by the Service.

Some public use facilities are sub-standard. The WMD Comprehensive Conservation Plan recognizes these problems and recommends solutions to improve public access opportunities. Some enhanced wildlife observation and photography opportunities will only be provided upon implementation of the Comprehensive Conservation Plan.

Anticipated Impacts on Refuge Purpose(s):

Wildlife observation and photography pose minimal impacts on the purposes for which Waterfowl Production Areas were established. Access is typically by individuals or small groups on foot or using snowshoes or skis. Damage to habitat by walking is minimal and temporary. There is some temporary disturbance to wildlife due to human activity on the land. The most likely impact to WPA purposes would be during spring and early summer nesting and brood rearing but the expected sporadic and limited use by the public should not create unreasonable impacts. Winter activities pose no impacts to nesting waterfowl and little to impact to vegetation. The winter disturbance to resident wildlife is temporary and minor. Large groups typically use established foot trails with little impact on vegetation. Disturbance to wildlife, such as flushing a nesting bird, is inherent to these activities; however, the disturbance is temporary and generally not malicious. Any unreasonable harassment would be grounds for the manager to close the area to these uses or restrict the uses to minimize harm.

Access by motorized vehicles, bicycles, and horses is limited to established trails, public roads and parking lots. Parking lots and access trails have minimal impacts because they are relatively small in size, generally have established cover on them, and typically are mowed after the nesting season is complete. They also allow for safe use of these public lands.

Use of most WPAs for the purpose of wildlife observation and photography is minimal. The established wildlife viewing trails on a handful of WPAs are more heavily used for wildlife observation and photography but they have been designed to minimize harmful impacts.

Public Review and Comment:

During drafting of the Comprehensive Conservation Plans six open houses were held and written comments were solicited from the public about Wetland Management District operations including public use programs such as wildlife observations and photography. Additionally, the Service has contracted with the University of Minnesota to conduct a visitor use study of WPAs in western Minnesota. This study is in its

second year and will yield a wide array of public input on Service programs, including wildlife observations and photography.

This determination is being developed as part of the WMD Comprehensive Conservation Plan and will be subject to further public review during the review phase of the overall plan.

Determination:

_____ Use is Not Compatible

 X Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Certain modes of access such as motorized vehicle, bicycles, and horses will be limited to designated trails, public roads, and parking lots.
2. Camping, overnight use, and fires are prohibited.
3. No photo or viewing blinds may be left over night.
4. Harassment of wildlife or excessive damage to vegetation is prohibited.

Justification:

This use has been determined compatible because wildlife viewing and photography will not materially interfere with or detract from unit purposes, including waterfowl production. The level of use for wildlife observation and photography is moderate on most WPAs. The associated disturbance to wildlife is temporary and minor. Wildlife observation and photography are priority public uses and inculcate visitors with the joys of abundant wildlife and wild lands. These uses also help fulfill the mission of the National Wildlife Refuge System. Those WPAs with increased activities generally have facilities present to accommodate the public use with minor impacts to the habitat.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10-year Re-evaluation Date: 2017

COMPATIBILITY DETERMINATION

Use: One-time Fruits of the Soil Harvest

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow one-time collection of plants or their seeds for personal use.

Plants growing on WPAs provide important wildlife habitat and can also be desirable for landscaping or decorative uses. Individuals occasionally request permission to harvest seeds from WPAs in order to establish these plants on private property. The cutting and removal of some plants is occasionally requested for use in floral decorations.

Hand harvest of native prairie plant seed is used to collect seed to re-establish small plots of native plants. These plots can be for landscaping purposes or to develop habitat for wildlife. Prairie plant seed harvest occurs during daylight hours, primarily in September and October, but can occur for individual species throughout the summer.

The decorative portion of some plants can be used in floral arrangements or for other decorative purposes. Cattails (*Typha* sp.), Baby's-breath (*Gypsophila paniculata*),

Asters (*Aster* sp.) and grapevines (*Vitis* sp.) are examples of some species which are occasionally used in decorative floral arrangements.

Access to harvest sites is accomplished by walking from a designated parking area or public roadway. If non-motorized watercraft are used, they should be launched at boat ramps or carried to the wetland from parking areas or public roadways.

Collection of these plants and seeds is not a wildlife-dependent recreational use. For a small number of people, this is a traditional, family oriented activity that provides an opportunity for those participating to enjoy the beauty of the natural environment. These uses also enable people to enjoy the beauty of WPA plants in or around their homes and provides small patches of habitat for wildlife.

Availability of Resources:

Waterfowl Production Areas have been open to hunting since they were acquired. As a result, access trails, parking lots, signage and other facilities as well as staff to enforce regulations and maintain these facilities have been provided by the Service. These facilities will be maintained to meet the needs of the hunting public and will be used incidentally by those who are hand harvesting plants or their seeds. This use will not require a significant increase in additional maintenance or enforcement staff expenditures. The Service will not have to provide special equipment.

Anticipated Impacts of the Use:

Historically, public participation in the hand collecting of plants or seeds on WPAs was low, and future participation is also expected to be low. The quantity and frequency of hand harvesting plants or their seeds is not expected to result in significant disturbance, diminish wildlife food sources or jeopardize wildlife survival.

Short-term disturbance to wildlife may occur during these activities, but will be insignificant. Most of these uses occur in the late summer or fall, after ground nesting birds have completed the nesting season. This uses should not result in short or long-term impacts that adversely affect the purpose of WPAs or the mission of the National Wildlife System.

Public Review and Comment:

Six open houses were held and written comments were solicited from the public about Wetland Management District operations during the drafting of Comprehensive Conservation Plans. This process identified 22 issues of concern. One-time Fruits of the Soil Harvest on WPAs was not identified as an issue of concern.

This Compatibility Determination was prepared concurrent with, and included in, the Draft Comprehensive Conservation Plans for Wetland Management Districts in Minnesota. Public review and comment was solicited during the CCP comment period.

Determination (check one below):

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- Camping, overnight use and fires are prohibited.
- Digging of plants or their roots is prohibited.
- Cutting trees or noxious weeds is prohibited.
- Grass/forb seed harvest is limited to 10 pounds.
- 20 plants per species can be cut and removed for decorative purposes.
- No threatened or endangered species may be harvested or cut.
- The use of motorized vehicles or motorized watercraft is prohibited except by permit, or in designated parking areas, access trails or public roads.

Justification:

This use will have limited and localized impacts when conducted within the stipulations above. Administration of the use will require little to no administrative time or funding. This use will not diminish the primary purposes of waterfowl production, or the conservation of other migratory birds and wildlife.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Placement of new, small parking areas on Waterfowl Production Areas

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "....all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

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Description of Use:

Allow the placement and construction of small parking areas on any Waterfowl Production Area where the Wetland Manager considers necessary to provide safe off-road parking and access to the general public for the following permitted activities: hunting of migratory birds and resident game animals, hiking, wildlife observation, photography, fishing, and/or interpretation, all priority public uses on National Wildlife Refuge System Lands. In addition, these parking areas will be used by Service personnel in conducting management activities or biological surveys and assessments on each of the Waterfowl Production Areas.

The U.S. Fish and Wildlife Service owns, as of March 1999, nearly 172,000 acres of Waterfowl Production Areas in Minnesota. Acquisition of Waterfowl Production Areas is ongoing and as new lands are acquired they will be opened to priority public uses. A procedural agreement between the Minnesota Department of Natural Resources and the Service states "it is the policy of the Regional Director to cooperate with the Department in providing habitat for resident wildlife and for public access and use (emphasis added), including hunting."

These parking areas will be less than an acre and will be relatively primitive facilities such as grass or gravel surfaced. Barriers to restrict motorized vehicles within the parking areas and to identify the parking area boundary generally will be constructed of wood posts, wire fence or rock barriers, appropriate and available on a site specific basis.

Availability of Resources:

Waterfowl Production Areas are open to all priority public uses and as a result access trails, signage and other facilities, as well as staff to enforce regulations and maintain these facilities, have been provided by the Service. Currently the staffing levels and facilities required for public programs and accessibility on Waterfowl Production Areas do not meet Service public use standards. The individual station Comprehensive Conservation Plans detail the needed funds and manpower to bring these programs up to Service standards.

Anticipated Impacts of the Use:

Installation and use of these parking areas and access trails will result in minimal impacts as these parking areas are used infrequently during most of the year by either the general public participating in authorized and permitted activities or by Service personnel. Peak use of these areas will generally occur during fall hunting seasons when no disturbance to nesting or young animals will result. Impacts to habitat will be minimal due to their relatively small size (< 1 acre) by comparison to the average size of the Waterfowl Production Area (average < 200 acres). Impacts will be lessened by selection of sites away from any wetland or native prairie. Generally, parking areas will be constructed at or near abandoned farm sites utilizing existing graveled driveways or previously constructed farm field approaches immediately off of public roadways. Parking lots constructed within the interior of a unit will be avoided when ever possible to minimize wildlife disturbance, impacts to unique or critical habitats and conflicts with other authorized public uses.

Public Review and Comment:

During the drafting of the Comprehensive Master Plans, six open houses were held and written comments were solicited from the public about Wetland District Operations including public use programs. Additionally, the Service has contracted with the University of Minnesota to conduct a visitor use study of Waterfowl Production Areas in western Minnesota. This study, in its second year, will provide public input on Service programs and facilities on Waterfowl Production Areas.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Parking areas must not be constructed in areas where negative wetland impacts will result.
2. Parking areas must not be constructed on native prairie habitat.

3. Camping, overnight use and fires are prohibited.
4. Location of parking areas within the interior of each unit should be avoided whenever possible.
5. An archaeological review of each selected site shall be made through the State Historic Preservation Officer and Regional Historic Preservation Officer prior to construction.

Justification:

This use has been determined compatible provided the above stipulations are implemented. This use is permitted as it is deemed necessary to provide safe off-road access by the public to participate in appropriate and permitted priority uses and will not diminish the primary purposes of waterfowl production and the conservation of migratory birds and other wildlife. This use will meet the mission of the National Wildlife Refuge System by providing resources for the benefit of the American public while conserving fish, wildlife and plant resources on these lands.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Short-term Upland Disturbance for Highway or Other Public Interest Projects with No ROW Expansion and Full Restoration.

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authorities:

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended).

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "....as Waterfowl Production Areas" subject to "....all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow short-term disturbance to uplands for highway or other public interest projects with no right-of-way expansion and full restoration. Every year, requests are made by state and local government agencies and utility companies to do repairs and improvements to existing road ways and utility facilities associated with existing rights-of-way on WPAs throughout Minnesota. Many of these requests require temporary work outside existing right-of-way boundaries, generally resulting in temporary disturbance to the associated vegetation. Frequently, the temporary work requested is required to reshape a slope immediately adjacent to a road right-of-way to improve transportation safety. Other times, the requested action can be merely for permission to turn around heavy equipment on land immediately adjacent to the right-of-way. Most often, the temporary work outside of the right-of-way is conducted during the summer and fall, when construction conditions are optimal. The work typically involves temporary disturbance to previously farmed uplands that are then reseeded to native vegetation by the requesting organization. This determination will allow approved work and temporary habitat disturbance outside the right-of-way boundary when long-term impacts are either beneficial or not significantly harmful.

Availability of Resources:

Minimal expense is required of the Service for these projects. Authorization of the projects will require the requesting organization to cover habitat restoration costs. There is a modest administrative cost to issuing and monitoring this work.

Anticipated Impacts on Refuge Purpose(s):

The impacts to the associated uplands with this use will be minimal and temporary. When the request includes unavoidable destruction of vegetation, approval will be limited to sites previously tilled or otherwise disrupted. No native prairie remnants or wetlands may be destroyed. Any areas with disturbed vegetation will be seeded by the requesting organization to a diverse mix of native species that will lead to better long-term habitat than the vegetation originally disturbed.

Most of this work occurs in summer and fall, after the waterfowl nesting season. The duration of any single project is usually 1 to 8 weeks. Occasionally, work may occur during the nesting season but the size of the disturbance zone will be minimal. The quality of the habitat in the disturbed zone may be diminished for up to 3 years following the project but the disturbed zone will provide some migratory bird value by the year following the project. The long-term productivity of the disturbed zone will frequently increase due to the replacement of exotic, less desirable cover with native vegetation.

Most of the impacts will be along existing roads in areas already subject to significant habitat and aesthetic deterioration due to existing transportation rights-of-way. Rarely, a utility right-of-way can split an otherwise contiguous block of quality habitat. In these settings, the disturbance will still be temporary but the impact to waterfowl and other migratory birds is likely greater. The existing right-of-way already authorizes disturbance within the right-of-way so the larger impact of creating a disturbance within quality habitat will likely occur anyway. The decision to authorize temporary disturbance outside the right-of-way will slightly increase the magnitude of the disturbance.

Public Review and Comment:

During drafting of the Comprehensive Conservation Plans six open houses were held and written comments were solicited from the public about Wetland Management District operations including management programs such as right-of-way issues.

This determination is being considered as part of a larger Comprehensive Conservation Plan subject and will be subject to additional public review during the public review of the entire plan.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. All work done outside of existing rights-of-way must be approved by the Project Leader in the form of a letter of authorization.

2. Conditions stipulated in a letter of authorization such as seeding mixes, weed control, etc. must be followed to remain a compatible use.
3. No work that leads to permanent loss of wetlands or native prairie remnants will be allowed without a site-specific compatibility determination.

Justification:

This use will not materially interfere with or detract from the purposes for which the units were established with the above stipulations in place. Almost all WPAs are constrained by one or more rights-of-way that were in place before acquisition by the federal government. Temporary disturbances to land adjacent to these rights-of-way will have only small, temporary harmful effects on wildlife and may lead to improved long-term productivity by replacing degraded, exotic vegetation with vigorous native vegetation. Work within the rights-of-way is beyond the authority of the Fish and Wildlife Service to regulate other than influencing the timing and scope to minimize wildlife harm. Allowing temporary work outside the right-of-way does little or no long-term harm to wildlife resources and allows the holder of the right-of-way to provide essential human services to our rural communities. Restoration of the disturbed sites can actually increase productivity by providing more robust vegetation.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Wood Cutting/Timber Harvest

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]...except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

The removal of standing or fallen trees by private individuals. This Compatibility Determination applies to all wood removal activities regardless of the ultimate use of the wood (e.g. firewood, pulp, etc.). Differences in scope and necessary equipment will occur depending on the amount and type of wood available for removal. Impacts to the purpose of the WPAs and System mission are similar regardless of why the wood is removed. This activity will only occur where the Service has determined that a management need exists to remove wood from WPAs consistent with the WPA Development Plan or other document.

Wood cutting is not a priority public use, as defined by the Refuge Improvement Act of 1997, of the National Wildlife Refuge System.

Wood removal may be done within former homesites, along existing windbreaks/shelter belts, and in other areas on WPAs where trees are encroaching on the prairie. Harvest sites will vary in size from a portion of an acre up to several hundred acres depending on the site and management objectives.

Wood removal activities may be authorized throughout the year. Most often, wood removal activities will occur during the winter months when frozen ground will facilitate access and afford protection to underlying soils and vegetation.

The scope of the activity will be determined by the management objective for the area and by the quantity and quality of available wood. Equipment used for harvest may range from chainsaws and axes, to traditional logging equipment such as feller-bunchers and log skidders. Access may be by snow machine, ATV, pick-up truck, farm tractor, or larger traditional logging equipment.

Harvest of wood products may be permitted on WPAs to stop, reduce, or reverse the encroachment and presence of trees on prairie habitats. The Tallgrass Prairie habitat is arguably the most endangered of all North American ecosystems, with less than 1 percent of the historic habitat remaining. Encroachment of woody vegetation due to fire suppression, absence of landscape-scale grazing, and tree planting practices continue to threaten this habitat type. Waterfowl Production Areas are established to produce waterfowl, and managing woody vegetation to enhance prairie habitat generally facilitates that purpose. In accordance with the System mission, restoration of the tallgrass prairie habitat is appropriate over most of the acreage in the Minnesota wetland districts. Managing woody vegetation is an important means to that end.

Availability of Resources:

The time required to plan, issue permits, and monitor the implementation of a wood product harvest program would require the dedication of some existing staff hours to this activity. In permitting a wood products harvest, the manager has identified a management need and presumably has secured and prioritized station resources to that end.

Anticipated Impacts of the Use:

In permitting this type of activity, the potential exists to directly impact waterfowl production by displacement of birds from localized areas due to disturbance, or crushing of nests as a result of access for this activity. These impacts are easily avoided by timing of the activity in accordance with site specific characteristics. In limited and rare instances, a small number of individuals of tree-nesting species (e.g. wood duck, hooded merganser, etc.) may be displaced from a local area for obvious reasons.

Indirect impacts to waterfowl production will occur as a result of removing woody vegetation. In nearly every instance, these impacts will be positive. The removal of woody vegetation from historic prairie habitats impacts waterfowl production and the System mission by facilitating the restoration of tallgrass prairie and removing artificially created predator habitat from within the WPAs.

Access for the purpose of removing wood may impact habitat by rutting soils, destroying ground cover, creating weed seed beds, and increasing sedimentation due to runoff in nearby wetlands. These impacts can again be avoided by timing of the activity.

Public Review and Comment:

This Compatibility Determination is provided in draft form along with the Minnesota Wetland Management Districts' Comprehensive Conservation Plan and Environmen-

tal Assessment. Opportunity for public review and comment is concurrent with the public review process for the EA.

Determination (check one below):

_____ Use is Not Compatible

 X Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Work will generally be restricted to areas where soil types indicate that pre-settlement habitat was comprised of native prairie vegetation.
2. If work is in an area where waterfowl nesting is likely, no cutting operations will be permitted from April through July 15.
3. Vehicle access for wood removal will be limited to existing trails or restricted to the frozen ground period when rutting and damage to growing vegetation would occur.
4. A special use permit will be issued so that site specific impacts can be reduced or eliminated and Service management goals are met.

Justification:

Any direct impacts on waterfowl production (take, disturbance, etc.) can be largely avoided by timing the activity so that it is not coincident with the waterfowl production season. Removal of trees in certain instances will, on occasion, eliminate wood duck, hooded merganser, or other cavity-nesting species habitat. This would be an irregular and occasional impact and, since most wood harvest will be associated with restoration sites, it is unlikely that these areas would have provided historic nesting sites. Due to the benefits that would be realized by other waterfowl species, and the abundance of artificial and natural nest sites for cavity-nesting species in the area, these impacts would not significantly detract from the WPAs' purpose or System mission.

Impacts to the habitat as a result of access to WPAs for wood removal purposes are potentially significant, but also easily avoided. Areas where woody species are removed for the purpose of conversion of the habitat type to prairie will likely receive follow-up treatments of burning, farming, or both. Ground disturbance in these areas is less problematic and possibly desirable depending on the specific site. Access to and from these areas will need to be carefully controlled (via special use permit) to avoid impacts such as rutting and increased sedimentation in area wetlands due to run-off. If existing roads are not present, access can be restricted to periods of frozen ground to avoid or minimize impacts to underlying vegetation and soils.

Other indirect impacts are generally considered positive and thus do not materially interfere with or detract from the purpose of waterfowl production or the System mission. The removal of trees along trails, in shelter belts, and within old home sites will benefit waterfowl production by assisting with the restoration of prairie habitat and eliminating predator habitat and perch sites. Individuals participating in the wood harvest program will be under special use permit and thus site specific stipulations will ensure resource protection and achievement of management goals. Control

of woody species encroachment on prairie habitats is a necessary management activity for the Minnesota wetland districts in converting areas back to their historical grassland condition and directly supports the mission of the National Wildlife Refuge System.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012

COMPATIBILITY DETERMINATION

Use: Trapping of Furbearers

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "....all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Public trapping of resident furbearers on Waterfowl Production Areas (WPA) in Minnesota in accordance with State regulations. This Compatibility Determination does not apply to "commercial" trapping activities where the Service awards a contract, or permit, for the removal of a specie or species to facilitate management, i.e. the Service needs 3,000 muskrats removed from an area to protect a dike system.

Trapping is not a priority public use, as defined by the Refuge Improvement Act of 1997, of the National Wildlife Refuge System.

By regulation (50 CFR 31.16), lands acquired as WPAs are open to public trapping unless closed under the authority of 50 CFR 25.21. Within the Minnesota wetland management districts, only eight WPAs have been closed to trapping: three in the Detroit Lakes District and five in the Fergus Falls District. Using 1999 data, trapping is permitted on approximately 170,000 acres of WPAs in Minnesota. Trapping is permitted for a wide variety of species; however, mink, racoon, muskrat, red fox, and beaver are the primary target species. As a result, most trapping activity on WPAs is concentrated in wetland areas.

The Minnesota Department of Natural Resources maintains information on numbers of trappers, harvest, and population trends of furbearers on a statewide basis. Based on license sales and mail surveys of licensees, it is estimated that approximately 4,100 people participated in trapping during the 1999-2000 season on a statewide basis. A percentage of these trappers use WPAs. The trend in the number of people participating in trapping in Minnesota is down, and it is assumed that activity on WPAs mirrors the statewide trend. For the 3-year period ending in 1988, the annual estimated average number of trappers was more than 13,700. For the 3-year period ending in 2000, this number had declined to less than 5,300.1

Trapping seasons for various species of wildlife generally run from mid-September through mid-March, with beaver trapping extending until mid-May. Several species of unprotected mammals (weasel, coyote, striped skunk, gophers, and porcupine) may be trapped on a year-around basis. While State regulations technically permit such activity, there is no known trapping activity, excluding March and April beaver trapping, outside of the traditional winter “season.” Minnesota regulations have established trap tending hours of 5 a.m. until 10:00 p.m.

Trappers may utilize leghold traps, snares, and body-gripping (“Conibear” type) traps for the purpose of trapping various furbearers, small game, and unprotected species of wildlife. Each method is qualified under State regulation as to trap size and types of allowable sets in order to protect non-target species, and provide for the safe use of the area by others.

Access for trapping on WPAs is almost exclusively by foot. Walking and snowshoeing are the primary means of access. When conditions allow, some limited, non-motorized boat access may occur for the purpose of trapping. Travel on WPAs by highway vehicles, ATVs (3 and 4-wheelers), and snowmachine is prohibited at all times. Many WPAs have parking lots to facilitate all allowed public uses, including trapping.

Availability of Resources:

There is no incremental increase in administering this activity, as allowed, above the stations’ general operating costs that we can attribute directly to the public trapping program.

Anticipated Impacts of the Use:

Public trapping can potentially impact the waterfowl production of WPAs through both direct and indirect impacts. Direct impacts are those where there is an immediate cause and effect relationship between the activity and the resources required to fulfill the waterfowl production purpose and System mission. Direct impacts may include such effects as killing or displacing of waterfowl during the pair bonding/nesting season, or destruction of nests by trampling. Indirect impacts are those where the effects of the permitted activity affect other populations or habitats that in turn have direct impacts on waterfowl production and the System purpose. Indirect impacts may include catch of target and non-target species that are predators on waterfowl and/or nests, or removal of species that induce habitat change (i.e. beaver). Impacts, either direct or indirect, may be negative, neutral, or positive.

Because of the temporal separation of trapping activities and waterfowl using the areas for production, direct impacts to waterfowl production by trappers is negligible. Beaver trappers using WPAs after early March, undoubtedly disturb individuals on occasion, and cause temporary displacement of waterfowl from specific and limited

areas. These impacts would be occasional, temporary, and isolated to small geographic areas. Any habitat change as a result of the physical impacts of trapping activity (trampling, etc.) is undetectable and insignificant.

Indirect impacts to waterfowl production do result from the removal of animals under a trapping program. In many instances, these impacts are positive. Many species that may be trapped are predators on waterfowl at various stages in the production cycle. Controlling populations of predators on waterfowl has generally positive impacts on the waterfowl purpose which vary in significance among areas. Timing of the removal of predators, size of the WPA, and adjacent land use all affect the degree to which predator management, through a public trapping program, benefits waterfowl production.

Impacts to waterfowl production habitat occur as a result of removal of species such as beaver and muskrat. Due to the societal requirements to intensively manage water levels on WPAs, managing beaver and muskrat populations at reasonable levels through a public trapping program results in positive impacts to waterfowl production and minimizes the need to commit Service resources to the same end.

When considering impacts to the System mission, impacts also include those to the furbearer populations themselves. Individual animals are harvested and removed, yet data indicates these furbearer populations, with the exception of red fox, are increasing. The red fox population has shown a slight decline in the western and southern portions of the state for roughly the past 8 years. Concurrently, the red fox estimated trapping harvest has declined from over 20,000 annually through the mid-1990s, to less than 10,000 for the past two seasons.¹ In spite of the recent decline, the red fox population is comparable to that of the mid-1980s. Minnesota DNR still considers the red fox population healthy, and views slowly declining populations in the south and west as an effect of a slowly increasing coyote population in this same area and not a result of trapping.²

Public Review and Comment:

This Compatibility Determination is provided in draft form along with the Minnesota Wetland Management Districts' Draft Comprehensive Conservation Plan and Environmental Assessment. Opportunity for public review and comment is concurrent with the public review process for the EA.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- Trapping activity must be conducted in compliance with existing State regulations.
- Trappers must comply with existing WPA access and use regulations.

Justification:

Direct impacts to the waterfowl production purpose are negligible due to the temporal separation of most trapping activity and the use of WPAs by waterfowl for produc-

tion. Limited disturbance of individuals and pairs undoubtedly occurs from beaver trapping activity occurring after early March. These temporary and isolated disturbance events result in temporary displacement of birds from a specific location. Due to the duration of these events, the small number of individual waterfowl involved, and the limited geographic area impacted by the presence of one or a few individuals, these impacts on waterfowl production and the System mission are negligible.

Indirect impacts to waterfowl production occur as a result of the effects of trapping on the target, or non-target, species' populations. Most species of interest to trappers and common "non-target" catches (i.e. skunk, free-ranging house cat) are predators on waterfowl at some point in the production cycle. Management of red fox, racoon, mink, otter, and skunk populations, through a regulated trapping program is, at worst, a neutral impact, and likely a positive one in most cases on the waterfowl production purpose. Due to edge effects and concentrations of nesting waterfowl, the impacts of predator management are likely inversely related to WPA size. The average size of Minnesota's WPAs is less than 200 acres. In these small parcels, the effects of only a few individual predators can be highly significant on waterfowl production in the local area. Timing of the removal of predators also affects the impact that this activity has on waterfowl production. Again, depending on the time of year, impacts on waterfowl production may be neutral or positive. While there is considerable debate about the effects of the presence of coyotes on waterfowl production, the density and subsequent harvest of coyotes through the trapping program is insignificant. Likewise is the harvest of other species that are permitted under State regulations (i.e. gray fox, badger, opossum, martin, fisher, otter, bobcat).

Other indirect impacts on waterfowl production occur as a result of the manipulation of populations of species that affect habitat. Beaver and muskrat, by their nature, affect habitat that, in turn, may affect waterfowl production. Upon initial analysis, we often think of beaver and their wetland construction activities, and muskrat with their propensity to maintain open water, as beneficial to waterfowl production. In exceptionally large marshes and in pre-settlement times, this is/was likely the case. However, the landscape of western and southern Minnesota has been so altered through agricultural conversion that few historic ecosystem functions remain intact. Other than the fact that water continues to flow downhill, the hydrology of this landscape bears little resemblance to its pre-settlement conditions. Dikes, levees, roads, culverts, tile lines, pumps, and water control structures work to move and confine water with calculated purpose. Ramifications of disruption to this system can include private property damage, public safety hazards, disgruntled neighbors, and legal liability. As a result, the U.S. Fish and Wildlife Service intensely manages water on WPAs to provide for waterfowl production and to fulfill the mission of the National Wildlife Refuge System, while remaining within societal constraints. Left unchecked, beaver activity results in disruption to the water flow when culverts and water control structures are blocked. High muskrat populations are detrimental to levees and dikes as individuals burrow into these structures and compromise the structural integrity. Without the ability to control water levels, our waterfowl production purpose would suffer as would our ability to contribute to the System mission. A public trapping program facilitates management of beaver and muskrat populations at such levels that many benefits created by these species are realized, yet the ability of the Service to manage water levels is not compromised. On a statewide basis, beaver harvest has remained fairly stable over the past decade in spite of the decline in the number of trappers participating in the activity. The muskrat harvest fluctuates widely driven by fur prices and the natural fluctuations in muskrat populations.

Overall, trapping is a very minor public use of WPAs but is an important management tool in localized areas. The public trapping program on WPAs allows for public opportunity and management of furbearer populations. Consistent with the System mission, trapping on WPAs results in management of populations and is not a “control” program intending to eliminate components of the ecosystem for the benefit of others. Data from the State of Minnesota, DNR, on trapping activity and wildlife populations indicates removal of individuals, under the current management scheme is not resulting in harm to the target populations. The public trapping program, as managed, does not materially interfere with or detract from the Service’s ability to meet our purpose of waterfowl production or the mission of the National Wildlife Refuge System.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012

¹ Dexter, M.H., compiler. 2000. Status of wildlife populations, fall 2000. Unpub. Rep., Division of Wildlife, Minn. Dept. Nat. Res., St. Paul, Minnesota. 180pp

² Berg, B., Minn. Dept. Nat. Res., Grand Rapids, Minnesota. Personal Communication.

COMPATIBILITY DETERMINATION

Use: Placement of Wetland Accesses/Ramps in Support of Priority Public Uses

Station Name: Litchfield Wetland Management District

Establishing and Acquisition Authority(ies):

Waterfowl Production Areas - The Migratory Bird Hunting and Conservation Stamp Act, March 16, 1934, (16 U.S.C. Sec. 718-718h, 48 Stat. 452) as amended August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas"; the Wetlands Loan Act, October 4, 1961, as amended (16 U.S.C. 715k-3 - 715k-5, Stat. 813), funds appropriated under the Wetlands Loan Act are merged with duck stamp receipts in the fund and appropriated to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act, February 18, 1929, (16 U.S.C. Sec. 715, 715d - 715r, as amended.

FmHA fee title transfer properties - Consolidated Farm and Rural Development Act 7 U.S.C. § 2002.

Refuge Purpose(s):

Waterfowl Production Areas - "...as Waterfowl Production Areas" subject to "...all of the provisions of such Act [Migratory Bird Conservation Act]....except the inviolate sanctuary provisions...." and "...for any other management purpose, for migratory birds"

FmHA fee title transfer properties - "for conservation purposes...."

National Wildlife Refuge System Mission:

"...To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

Allow the placement and/or construction of accesses/ramps on any Waterfowl Production Area where the Wetland Manager considers necessary to provide access to the general public for the following permitted activities: hunting of migratory birds and resident game animals, hiking, wildlife observation, photography, fishing, and/or interpretation, all priority public uses on National Wildlife Refuge System Lands. In addition, these ramps will be used by Service personnel in conducting management activities or biological surveys and assessments on each of the Waterfowl Production Areas.

The U.S. Fish and Wildlife Service owns, as of March 1999, nearly 172,000 acres of Waterfowl Production Areas in Minnesota. Acquisition of Waterfowl Production Areas is ongoing and as new lands are acquired they will be opened to priority public uses. A procedural agreement between the Minnesota Department of Natural Resources and the Service states "it is the policy of the Regional Director to cooperate with the Department in providing habitat for resident wildlife and for public access and use (emphasis added), including hunting."

These accesses will be small, single ramp structures and will be relatively primitive facilities such as grass or gravel surfaced. In rare cases where a very high level of use or site conditions dictate, the placement of a concrete ramp may be warranted.

Availability of Resources:

Waterfowl Production Areas are open to all priority public uses and as a result access trails, informational and interpretive signs and other facilities as well as staff to enforce regulations and maintain these facilities have been provided by the Service. Currently the staffing levels and facilities required for public programs and accessibility on Waterfowl Production Areas do not meet Service public use standards. The individual station Comprehensive Conservation Plans detail the needed funds and manpower to bring these programs up to Service standards.

Anticipated Impacts of the Use:

Installation and use of these accesses/ramps will result in minimal impacts as these areas are used infrequently during most of the year by either the general public participating in authorized and permitted activities or by Service personnel. Peak use of these areas will generally occur during fall hunting seasons when no disturbance to nesting or young animals will result. Impacts to habitat will be minimal due to their relatively small size by comparison to the average size of the Waterfowl Production Area (average < 200 acres). Impacts will be lessened by selection of sites that minimize the need for any wetland alterations and/or avoidance of native prairie. Accesses/ramps constructed within the interior of a unit will be avoided whenever possible to minimize wildlife disturbance, impacts to unique or critical habitats and conflicts with other authorized public uses.

Public Review and Comment:

During the drafting of the Comprehensive Master Plans, six open houses were held and written comments were solicited from the public about Wetland District Operations including public use programs. Additionally, the Service has contracted with the University of Minnesota to conduct a visitor use study of Waterfowl Production Areas in western Minnesota. This study, in its second year, will provide public input on Service programs and facilities on Waterfowl Production Areas.

Determination:

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

1. Accesses/ramps must not be constructed in areas where negative wetland impacts or loss will result.
2. Accesses/ramps must not be constructed on native prairie habitat.
3. Camping, overnight use and fires are prohibited.
4. Location of ramps within the interior of each unit should be avoided whenever possible.

5. An archaeological review of each selected site shall be made through the State Historic Preservation Officer and Regional Historic Preservation Officer prior to construction.

Justification:

This use has been determined compatible provided the above stipulations are implemented. This use is permitted as it is deemed necessary to provide safe off-road access by the public to participate in appropriate and permitted priority uses. The footprint of the access site is small and will not diminish the primary purposes of waterfowl production and the conservation of migratory birds and other wildlife. This use will meet the mission of the National Wildlife Refuge System by providing resources for the benefit of the American public while conserving fish, wildlife and plant resources on these lands.

Signature: Project Leader s/Robert Bruesewitz (Acting) 3/26/03

Concurrence: Regional Chief s/Nita M. Fuller 4/9/03

Mandatory 10- or 15-year Re-evaluation Date: 2012